

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: Clearview AI, Inc., Consumer Privacy
Litigation

Case No: 1:21-cv-135

Judge Sharon Johnson Coleman

Magistrate Judge Maria Valdez

**DEFENDANT MACY’S RETAIL HOLDINGS, INC.’S MOTION TO CERTIFY FOR
IMMEDIATE APPEAL CERTAIN QUESTIONS ARISING FROM THE COURT’S
JANUARY 27, 2022 ORDER**

Defendant, Macy’s Retail Holdings, Inc. (“Macy’s”),¹ through its attorneys, hereby moves to certify for immediate appeal pursuant to 28 U.S.C. § 1292(b) certain questions arising from the Court’s January 27, 2022 Order (the “Order,” Dkt. 272). For reasons outlined in the concurrently-filed Memorandum of Law, three questions presented in the Order involve controlling questions of law, as to which there are substantial grounds for differences of opinion, and an immediate appeal definitively answering those questions will materially advance this litigation.

WHEREFORE, Macy’s respectfully requests that this Court certify three questions for immediate appeal pursuant to 28 U.S.C. § 1292(b), stay these proceedings pending resolution of by the Seventh Circuit, and grant Macy’s any additional relief this Court deems just and proper.

Dated: February 17, 2022

Respectfully submitted,

MACY’S RETAIL HOLDINGS, INC.

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By: /s/ Daniel R. Saeedi

¹ The Consolidated Class Action Complaint named Macy’s Retail Holdings, Inc. Dkt. 29 ¶ 18. On June 25, 2021, Plaintiffs sought leave to amend to add a plaintiff and to clarify that “Macy’s, Inc. — not Macy’s Retail Holdings, Inc. — is the defendant against whom the consolidated multidistrict complaint is alleged.” Dkt. 109. However, as Macy’s previously explained, the real party in interest is actually Macy’s Retail Holdings, LLC. *See* Dkt. 57 at 1 n.1.